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23 March 1982

Worldwide Report

LAW OF THE SEA

No. 190

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NEW ZEALAND-FOREIGN FISHING VENTURES MAY END 31 MARCH

Auckland THE NEW ZEALAND HERALD in English 16 Feb 82 p 18

[Text]

The Government — embarrassed by the determination of local fishermen who want to import deep-sea trawlers — may now have to end foreign joint ventures a year early, on March 31.

It is possible the cabinet economic committee may recommend terminating most joint ventures on March 31 because of a flurry of interest from New Zealand companies seeking applications to import duty-paid deep-water trawlers.

A decision by Fletcher Fishing Ltd to import two duty-paid British trawlers, the Arctic Buccaneer and Arctic Galliard, has forced the hand of other major companies who originally wanted to import their craft under a duty-free scheme.

Fletchers decided to go ahead and pay the duty on their trawlers when the Government turned down duty-free deep-water fishing boat plans put forward by a number of companies last year.

Applications

The Ministry of Agriculture and Fisheries has received about three firm applications from New Zealand companies, understood to be Sealord Fisheries Ltd, Ferrons of Timaru and Sanford Ltd, which want to import big deep-sea trawlers and pay the duty. The ministry has confirmed that other companies are also interested.

Some fishing officials believe they must follow the Fletcher move in order to remain competitive and retain their share of the New Zealand catch quota.

The development has put the Government in an embarrassing position.

Last Year

Late last year the Minister of Fisheries, Mr MacIntyre, decided to retain the status of foreign joint-venture fishing, saying they could fish for another year. Applications from New Zealand companies to import about 12 deep-sea trawlers to take over from the foreign boats were rejected.

But having allowed Fletcher Fishing to import its craft on a normal duty-paid basis, the Government may find it impossible to reject similar applications.

It would be embarrassing for the Government to tell Russia and Japan that it must terminate most joint ventures on March 31 because there would not be enough fish for all if New Zealand boats took over.

A decision must be made before March 31, when new quotas will be set.

Poland

The Ministry of Agriculture and Fisheries has already decided it must consider all further duty-paid fishing boat imports at the same time and that it cannot do so until the Government makes a decision on joint ventures.

Russian involvement in Poland and any problems trying to market fish which the Russians catch in New Zealand waters may influence the Government to consider the early termination of Russian joint ventures.

Australia is already concerned about its market being taken up by Russian catches of New Zealand orange roughy.

A few years ago the New Zealand Government reduced Russia's licensed catch quota because of Soviet intervention in Afghanistan.

The United States has been pressing New Zealand and other nations to institute trade embargoes on Poland.

CSO: 5200/9084

NEW ZEALAND RECORD SQUID SHIPMENT FROM TAIWANESE BOATS

Christchurch THE PRESS in English 12 Feb 82 p 2

[Text]

A New Zealand record shipment of squid transferred from Taiwanese squid boats to a refrigerated cargo vessel will leave Port Nelson, probably today, for Taiwan.

All week long the small Taiwanese squid boats with their sophisticated squid jigs have been bustling in and out of Nelson, transferring their frozen catches to the Daiho Maru, then heading back out to sea.

Mr C. C. Hufflett, managing director of Nelson-based Solander Fisheries, said it was hoped that by today the 20 Taiwanese vessels involved would have discharged about 2000 tonnes of frozen squid into the Daiho Maru. Solander Fisheries has co-ordinated the transference exercise — the first time in New Zealand so many vessels have been involved in transferring their catches.

The 20 vessels in the operation are half of the 41-vessel Taiwanese squid fleet involved in joint venture schemes around New Zealand.

At the port was the managing director of the East Asia Trading Centre, Mr Wen-Hua Tzen, who is resident in Wellington, and several other Taiwanese officials.

Mr Tzen said that while the New Zealand catch formed about one-third of Taiwanese domestic demand, the target was for 50 per cent.

He believed that with greater promotion of many industrial lines New Zealand could capture a considerable share of the trade now existing between Taiwan and Australia.

Mr J. F. Baldwin, manager of the Nelson Harbour Board, said Nelson had been selected because of its central situation and the experience stevedores have had in this type of work.

According to Mr Hufflett stevedoring costs alone for the vessels involved would be about $80,000 and with food and other services, the port, and Nelson, would benefit by the inflow of some $250,000.

CSO: 5200/9083

TAIWANESE HELD IN CAIRNS FOR ILLEGAL FISHING ACTIVITY

Brisbane THE COURIER-MAIL in English 6 Jan 82 p 3

[Text] Cairns.--The master and crew of a Taiwanese fishing boat were remanded in custody yesterday on illegal fishing charges.

The men appeared in the Cairns Magistrate's Court, where the boat's master also faced three charges over an attempt to escape from Australian waters on Christmas Day. They were remanded until January 25.

The master, Ching Guey Hwang, 48 faces a charge of fishing illegally in Australian waters in November, a charge of wilful damage to the patrol boat Townsville, and two charges of leaving port without authority and failing to facilitate boarding.

The remaining 14 crew members and a cabin boy, 16, were charged with aiding him to fish illegally in Australian waters.

The three charges relating to the Christmas Day incident arose after the Taiwanese boat, the Yuan Tsan, sailed from Cairns Harbor.

The fleeing boat was chased by the Townsville, which was on stand-by in Cairns.

The Crown Prosecutor, Mr Ian Bates, said it was alleged the Townsville had opened fire on the Taiwanese boat.

He said the Yuan Tsan had set a collision course for the Townsville and evasive action resulted in the Townsville sustaining only minor damage.

Mr Bates said that if the Townsville had not taken evasive action, the Taiwanese boat would have holed the naval ship.

Mr Bates said the maximum penalty for the wilful damage was 12 months' jail and a $200 fine.

He said the charges under the Fisheries Act each carried a maximum penalty of $1000 and the original charge of illegal fishing carried a maximum penalty of $5000.

CSO: 5200/7518

IMPORTANCE OF LAW OF THE SEA TALKS STRESSED

New Delhi PATRIOT in English 15 Feb 82 p 2

[Editorial]

[Text]

U.S. intransigence on the question of codification of an equitable Law of Sea is an ample proof of its dogged attempt to deny to the developing countries their due share of the vast ocean resources which remain untapped so far. Washington's decision to rejoin the United Nations negotiations on this question is merely a change of tactics and does not reflect a substantive change of approach. In fact, the Reagan administration is likely to employ many new obstructionist and divisive tactics to sabotage a successful conclusion of these talks. The developing countries can resist these machinations only by joint endeavour and by ensuring that the current preparations for the 11th session of the Third Sea Law Conference become a final phase in drawing up a comprehensive convention on Sea Law. The deliberations of the session will mark an important stage in their struggle for establishing a new international economic order.

The latest draft convention, despite its certain flaws, can serve as a fair compromise and a reasonable basis for adopting a final convention by consensus. The compensation system based on fixed extraction of metals out of iron-manganese concretions of the seabed, with a view not to damaging economies of land producers of the similar metals, is an important element of these regulations. In addition, the future international body on Sea Law is to carry out exploitation of mineral resources of the international area of the seabed as an independent authority. This, along with profits gained through granting licences to State and private companies, will be used to meet the requirements of developing countries. The significance of setting up of this body lies in the fact that this organization will become a standard for an entire South-North dialogue and will lay the

foundation for cooperation between developing and industrialized countries in different fields. This lends added importance to the political effect of a successful outcome of a Sea Law conference. The United States has been dragging out its feet with a view to gaining maximum profits for itself and its allies. Washington fears that the success at the conference will have an impact on practically all the future negotiations on international economic problems, and the political control over the activities of Western mining companies, which is stipulated by the draft convention, will create a "dangerous precedent" for transnational corporations.

An early adoption of a new Sea Law convention is imperative not only in the interests of setting up a just and mutually beneficial regime of international cooperation; it will also contribute to maintain law and order at seas, secure an acceptance of 12-mile territorial waters and 200-mile economic zones, which developing countries are highly interested in. The adjustment of the regime of military navigation in territorial waters and economic zones is bound to consolidate the state sovereignty of developing countries and put an end to anarchy and armed provocations at seas. Not only a desire to adopt a convention but an actual unity and consistency of actions of all the developing countries will be required to attain this goal.

CSO: 5200/7029

BRIEFS

DRILLING RIG SOUGHT--Six oil exploration companies are negotiating for a new drilling rig, being built overseas, to carry out offshore drilling around New Zealand. The rig is expected to arrive in New Zealand near the end of next year. The Minister of Energy, Mr Birch, said the negotiations should be finished before the end of this month. Petrocorp (Exploration) will act as the prime contractor. Mr Birch said the rig was designed for work in a harsh environment, would be able to drill to 7500 metres, and was ideally suited to New Zealand requirements. [Text] [Auckland THE NEW ZEALAND HERALD in English 6 Feb 82 p 1]

OFFSHORE OIL HUNT--Oil exploration off the Taranaki coast could resume towards the end of 1983, with a number of companies banding together to hire a submersible drilling rig now being built overseas. The Taranaki commission would be the rig's first and would last for about two years, the Minister of Energy, Mr Birch, said. The state-owned Petrocorp Exploration would be the main contractor, but a total of six firms granted prospecting licences in a recent block offer off Taranaki were involved in negotiations, and would use the rig. These negotiations were expected to be finished within three weeks. Mr Birch said the rig could drill to a depth of 7500 metres. Holders of prospecting licences were carrying out seismic surveys which would keep them busy until the drilling programme began. [Text] [Wellington THE EVENING POST in English 8 Feb 82 p 13]

TUNA BOATS LEAVING--Tuna boats may not return to Northland next year after missing out on large catches this season. Only six of the 12 boats docked at Whangarei last season returned this year. The problem was the late arrival of the tuna, according to a fisheries scientist at Whangarei, Mr George Habib. The boats had arrived about two months ago, but the first large groups of tuna had not arrived until this week, Mr Habib said. At this stage the boats were scheduled to be in the western Pacific. Three had already left. "Many of the boats will consider not coming back next year," he said. The boats were operated under joint-venture schemes. [Text] [Wellington THE EVENING POST in English 6 Feb 82 p 2]

CSO: 5200/9082

BRIEFS

FISHERMEN RELEASED BY INDIA--All of the 129 Thai fishermen confined by the Indian authorities have been released on bail, but their 5 trawlers are still confiscated. Deputy Agriculture and Cooperatives Minister Bun-ua Prasoetsuwan says that the fishermen have been set free after the Thai delegation paid 5,200 baht for each of them. They will be put on trial later in the Indian court. The Thai fishermen were arrested by Indian guards last month after they entered Indian waters for shelter during a cyclone. The deputy agriculture minister says that next year India will take tough measures against foreign fishermen who enter its waters. As a precaution, Thai fishermen will be cautioned against India's tough measures. [Text] [BK301250 Bangkok Domestic Service in English 0000 GMT 30 Dec 81]

CSO: 5200/5635

BRIEFS

OIL SLICK FINE--The master of the container ship Acadian Victory, was fined $1,000 in magistrates court yesterday for dumping oil in St. George's Harbour. Crown Council Mr. Ian Kawaley, prosecuting, said on January 15 Marine Police received information of an oil slick at Marginal Wharf, St. David's where the Acadian Victory was berthed. Mr. Kawaley said the ship's master, Sylvester Fortin, was contacted and admitted his ship caused the slick when engineers forgot to shut off pumps when transferring the diesel. Mr. Kawaley said Dr. Thomas Sleeter, of the Bermuda Biological Station, examined the slick and said it had minimal impact on the marine environment and showed no apparent danger to the wildlife. Mr. Sleeter said that these types of spills, however, did threaten the environment over long periods of time. Senior Magistrate the Wor. Gerald Price said that as the slick caused minimal damage to the environment and was cleaned up easily he would treat it the same way as the slick caused by the 'Sea Scout' a couple of weeks before. "Yet if ships continue to do this the court may have to increase the fines," said Mr. Price. [Hamilton THE ROYAL GAZETTE in English 30 Jan 82 p 3]

FISHING WARDENS--The Department of Fisheries is taking steps to better protect Bermuda's marine resources, Fisheries Department Director Dr. James Burnett-Herkes said yesterday. "There is a finite shallow water environment out there, and the resources are being heavily fished. Unless we do something we may well run out of them," waid Dr. Burnett-Herkes. As a result, the Department is now advertising for two fish wardens to enforce existing regulations under the 1972 Fisheries Act, and better educate the public and fishermen about what they can and cannot take out of the ocean. "One of the things the Department has been criticised for has been that regulations exist, but there was very little done to enforce them," said Dr. Burnett-Herkes. "These positions are designed to better enforce the regulations, and also give us the ability to carry out educational programmes for the public and fishing people themselves." The two successful candidates will enforce and impart information concerning various fishing seasons, protected species, and licencing of fish pots, among other things. There is currently one fishing warden, but he also doubles as a fishing gear technician. It is hoped that he will be able to work full-time on the technical side of the department. [Hamilton THE ROYAL GAZETTE in English 1 Feb 82 p 2]

CSO: 5200/7519

CARAZO SAYS NO MORE TUNA TALKS WITH U.S.

PA172330 San Jose Radio Reloj in Spanish 1730 GMT 17 Feb 82

[(William Cespedes) Report from the Presidential Palace]

[Text] President Rodrigo Carazo has informed U.S. President Ronald Reagan that the Costa Rican government will not continue negotiations with the United States regarding the protection, conservation and exploitation of the yellow-fin tuna in Costa Rican coastal waters until the United States recognizes Costa Rica's sovereignty over 200 miles of adjacent seas.

A letter addressed to Ronald Reagan and personally handed to the U.S. ambassador by President Carazo here in the Presidential Palace states: Every time representatives of our two governments begin analyses to reach an agreement on tuna, the U.S. delegates point out your opposition to our country's rights over 200 miles of seas adjacent to Costa Rica.

Our constitution provides in Article 6 for quote, special jurisdiction over the seas adjacent to its territory for an extension of 200 miles from the same baseline, in order to exclusively protect, conserve and exploit all the natural resources and wealth existing in those waters, unquote.

Regarding your request to resume negotiations in April, 1982, on tuna fishing, submitted through Ambassador (Crom Miller), I hereby inform you that my government will not agree to continue negotiations unless there is prior recognition by the U.S. Government of our constitutional rights over 200 miles of adjacent seas.

President Carazo concludes his note to U.S. President Ronald Reagan by saying: Negotiations underway in Costa Rica to arrive at a definitive agreement on the exploitation, conservation and preservation [as heard] of the yellow-fin tuna in Costa Rican territorial waters and in coastal waters of the western Pacific were broken off 1 week ago. It was not possible to reach an agreement because the United States indicated on that occasion and has since reiterated in writing that it does not recognize Costa Rican sovereignty over 200 miles of waters.

President Carazo has now clearly established that Costa Rica will not negotiate further with the United States.

CSO: 5200/2048

SEIZED SOUTH AFRICAN FISHING BOAT LIABLE TO BE SOLD

Johannesburg THE CITIZEN in English 1 Ma 82 p 12

[Text] **DURBAN. — The captain of the Durban-based fishing trawler, Hawk, Captain Willy Hogh-Hansen, may have his boat seized by the Mozambique authorities and sold over his head because he has done nothing about a R21 000 fine imposed on him for fishing in Mozambique territorial waters about three weeks ago.**

A spokesman for the Mozambique Fishing Board told The Citizen in a telephone interview from Maputo at the weekend Capt Hogh-Hansen was due to appear before the Board today.

He said the board would demand to know why he had not paid the fine imposed upon him by the Maritime Court.

If Capt Hogh-Hansen could not give a guarantee the money would be paid within a few days, the Hawk would have to be sold.

He said Capt Hogh-Hansen had agreed he had had a fair trial before the Maritime Court. He had pleaded guilty to the charge of fishing only two kilometers off the Mozambique coast.

The Board, subsequent to the fine imposed by the court, had agreed to buy the Hawk's catch worth about R2 000 to help Capt Hogh-Hansen meet his fine.

So far, the spokesman said, Capt Hogh-Hansen had not indicated how he was going to pay the fine. He had valued the Hawk, which he built himself, at about R70 000. If after examination, it was worth this amount, the boat could be sold over his head and "we will split the difference with him".

The 11 Zulu crew aboard the Hawk were released last week by the Mozambique authorities. However, most of them are broke and have no way of reaching South Africa.

In Durban yesterday Mr Hogh-Hansen's 21-year-old daughter Linda, said that the money to pay the fine had been raised in Durban but the problem was to take it to Maputo.

Capt Hogh-Hansen has already said he has no intention of selling the Hawk which had taken him months to build and which is his "pride and joy".

CSO: 5200/5636

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